

February 6, 2013

**R307. Environmental Quality, Air Quality.**

**R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.**

**R307-403-1. Purpose and Definitions.**

~~[The following additional definition applies to R307-403:~~

~~"Lowest Achievable Emission Rate (LAER)" means for any source, that rate of emissions which reflects:~~

~~(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or~~

~~(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.~~

~~In no event shall the application of this term permit a proposed new source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.~~

~~—] (1) Purpose. This rule implements the federal nonattainment area permitting program for major sources as required by 40 CFR 51.165. In addition, the rule contains new source review provisions for some non-major sources in PM10 nonattainment areas. This rule supplements, but does not replace, the permitting requirements of R307-401.~~

~~(2) Unless otherwise specified, all references to 40 CFR in R307-403 shall mean the version that is in effect on July 1, 2012.~~

~~(3) Except as provided in R307-403-1(4), the definitions in 40 CFR 51.165(a)(1) are hereby incorporated by reference.~~

~~(4)(a) "Reviewing authority" means the director.~~

~~(b) In the definition of "regulated NSR pollutant" in 40 CFR 51.165(a)(1)(xxxvii) the following subparagraph is added to 51.165(a)(1)(xxvii)(4): "(i) Volatile organic compounds are precursors to PM2.5 and ammonia is not a precursor to PM2.5 in the Logan, Salt Lake City, and Provo PM2.5 nonattainment areas as defined in the July 1, 2010 version of 40 CFR 81.345."~~

~~(c) The following definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:~~

~~(i) in the definition of "major modification" in 40 CFR 51.165(a)(1)(v)(C), the second sentence in subparagraph (1);~~

~~(ii) the definition of "process unit" in 40 CFR 51.165(a)(1)(xlili);~~

~~(iii) the definition of "functionally equivalent component" in 40 CFR 51.165(a)(1)(xliv);~~

~~(iv) the definition of "fixed capital cost" in 40 CFR~~

February 6, 2013

51.165(a)(1)(xlv); and  
(v) the definition of "total capital investment" in 40 CFR  
51.165(a)(1)(xlv).

**KEY: air quality, nonattainment\*, offset\***

**Date of Enactment or Last Substantive Amendment: May 6, 1999**

**Notice of Continuation: June 6, 2012**

**Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108**